



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,924	01/16/2004	Jonathan W. Furlong	084554-9174-00	6538
69308 7590 05/02/2007 MICHAEL BEST & FRIEDRICH LLP 100 EAST WISCONSIN AVE SUITE 3300 MILWAUKEE, WI 53202-4108			EXAMINER LUGO, CARLOS	
			ART UNIT 3676	PAPER NUMBER
			MAIL DATE 05/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/758,924

Applicant(s)

FURLONG, JONATHAN W.

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on April 25, 2007.

Claim Objections

2. **Claims 1,3,4 and 7 are objected** to because of the following informalities:

- Claim 1 Line 2, delete the phrase "and an attachment surface".
- Claim 1 Line 4, change "a first cover coupled to the attachment surface" to -a first cover coupled to the first side-.
- Claim 1 Line 5, change "a second cover separate from the first cover and coupled to the attachment surface such that the first cover and the second cover are on the first side of the door" to -a second cover coupled to the first side of the door in a position separate from the first cover-.
- Claim 1 Line 14, change "defining an attachment axis" to -defining an adjusting axis-.
- Claim 1 Line 15, change "attachment axis" to -adjusting axis-.
- Claim 3 Line 2, change "attachment axis" to -adjusting axis-.
- Claim 4 should be cancelled (see 112 2nd paragraph rejection bellow).
- Claim 7 Line 10, change "attachment axis" to -adjusting axis-.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. **Claims 1-9 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites that the door defines a first side, a second side and an attachment surface. However, the specification fails to give a proper antecedent of basis for the "attachment surface" limitation.

As seen in Page 3 Line15, the specification recites that the door 10 includes a first surface 15, a second surface 20, and several apertures 25. As seen in Figure 2 or 3, the first cover 60 and the second cover 125 are capable of being attached or coupled to the first side 15.

Therefore, in order to continue with the examination, the limitation will be examined as the first and second covers coupled to the first side of the door (see claim objection section above).

Further, claim 1 recites that the attachment member defines an attachment axis. Also, the specification fails to give a proper antecedent of basis for this axis. As seen in Page 6 Line 8, the only axis defined in the specification related to the attachment member is axis 190, an adjusting axis. This axis 190, as seen in Figure 3, is perpendicular to the latch bolt axis and to the deadbolt axis.

Therefore, in order to continue with the examination, the limitation will be examined as an adjusting axis. With this interpretation, the applicant is requested to cancel claim 4 since the limitations presented in the claim are recited in claim 1 (as interpreted).

Appropriate correction is required.

Allowable Subject Matter

5. **Claims 1 and 7 would be allowable** if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
6. **Claims 2,3,5,6,8 and 9 would also be allowed** because the claims depend from claims 1 and 7 respectively.
7. At the instant, Sconzo (US 3,107,113) fails to disclose that the first cover (15) and the second cover (14) are coupled in the same side of the door.

Loffler (US 5,084,940) fails to disclose that the adjusting axis of the attachment member is parallel to the first side of the door. Loffler illustrates that the axis (the end of 24 attached to 26) is perpendicular to the first side of the door (Figure 10).

Faulk (US 2,401,559) fails to disclose that the attachment member (30) moves in an adjusting axis to change the distance between the first and second attachment portions.

Heim (US 5,593,193), Keil (US 2,001,666), Spooner (US 1,059,952), Solovieff (US 5,123,683) Steele (US 1,907,128), Hines (US 1,810,350), Unter (US 3,591,224) and Zacsek (US 1,026,233) described a similar device as the one described by Faulk.

Response to Arguments

8. In order to correct informality in the application that were not clearly discussed in the interview of April 10, 2007, a non-final Office Action has been made on the record.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 571-272-7058. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Carlos Lugo
Patent Examiner
Art Unit 3676

April 27, 2007.